

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

_____)	
McNEIL NUTRITIONALS, LLC,)	
)	
Plaintiff,)	Civil Action No. 04-2291(JP)
)	
v.)	
)	
MERISANT COMPANY,)	
)	
Defendant.)	
_____)	

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

PLEASE TAKE NOTICE that Plaintiff McNeil Nutritionals, LLC hereby dismisses this action without prejudice pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure. Defendant Merisant Company has not yet served an answer or moved for summary judgment in this action.

In view of this Court's denial of McNeil's motion to reassign this case to Judge García-Gregory, who is currently presiding over another action between these parties, McNeil no longer believes that the District of Puerto Rico is the most efficient forum in which to litigate this dispute. Accordingly, McNeil hereby dismisses this action and will file an answer to Merisant's mirror image, second-filed action in the Eastern District of Pennsylvania.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13th day of January, 2005.

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CERTIFICATE OF SERVICE

I hereby certify that on this same date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys: Heriberto J. Burgos-Pérez, Esq. (hburos@fglaw.com), Jorge R. Roig-Colón (jroig@fglaw.com) and Gregg F. LoCascio (glocascio@kirland.com).

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